

OGC 63-1438

OGC Has Reviewed

17 May 1963

MEMORANDUM FOR: Chief, AF/5

ATTENTION:

SUBJECT:

Wearing of [REDACTED] Army
Uniforms

25X1A

25X1A

1. With respect to the wearing of uniforms of the [REDACTED] by career agents, contract agents, and staff employees, citizens of the United States, the following statute applies:

Title 18, § 703, Uniform of friendly nation.

Whoever, within the jurisdiction of the United States, with intent to deceive or mislead, wears any naval, military, police, or other official uniform, decoration, or regalia of any foreign state, nation, or government with which the United States is at peace, or anything so nearly resembling the same as to be calculated to deceive, shall be fined not more than \$250 or imprisoned not more than six months, or both.

2. The main question here is whether or not the employees concerned are "within the jurisdiction of the United States." Although the jurisdiction of the United States would extend to any

of its citizens abroad, use of the word "within" in the statute is construed to mean physically within areas controlled by the United States as de jure or de facto sovereign.

3. This can be seen by reference to Title 18, § 702, passed at the same time. That section prohibits unauthorized wearing of United States Armed Forces uniforms in areas "within the jurisdiction of the United States." In 1949 the Congress added the phrase "or in the Canal Zone" to section 702, thereby indicating the sense in which jurisdiction was used in the original Act for both sections. It is used to indicate that it is a crime to wear the uniforms within the jurisdiction of the United States, not that it is a crime for persons who are within the jurisdiction of the United States to wear the uniforms. Therefore, as long as the [REDACTED] uniforms are not worn in the United States, its territories, or possessions, the proposed action is permissible.

25X1A

4. The above is limited by certain other considerations such as Title 22, § 803, prohibiting the wearing of uniforms by employees or members of the Foreign Service. In addition, it is assumed that none of the parties wearing these uniforms will be aliens or U. S. citizens actually enlisted in the [REDACTED]

25X1A

[REDACTED]
Office of General Counsel

25X1A

OGC:DDS:ewb
Orig & 1 - Addressee
✓ Subject [REDACTED]
Signer
Chrono